

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACOB M. BOSLEY,

Plaintiff,

v.

TRUCKEE POLICE DEPARTMENT, *et al.*,

Defendants.

Case No. 2:23-cv-2994-DJC-JDP (P)

ORDER

Plaintiff is a former county inmate proceeding pro se and *in forma pauperis* in this action seeking relief pursuant to 42 U.S.C. § 1983.

On April 7, 2025, the court ordered the U.S. Marshal to serve process upon defendants. The Marshal was directed to attempt to secure a waiver of service before attempting personal service on defendants. If a waiver of service was not returned within sixty days, the Marshal was directed to effect personal service on the defendant in accordance with the provisions of Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c), without prepayment of costs, and to file the return of service with evidence of any attempt to secure a waiver of service and of all costs incurred in effecting personal service.

On August 27, 2025, the U.S. Marshal filed a return of service showing total charges in the amount of \$452.00 for effecting personal service on defendants J. Canham and Yarborough.

1 The filing also shows that a waiver of service form was mailed to the defendants on April 18,  
2 2025, and that no response was received.

3 Rule 4(d) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

4 An individual, corporation, or association that is subject to service  
5 under Rule 4(e), (f), or (h) has a duty to avoid unnecessary  
expenses of serving the summons . . . .

6 If a defendant located within the United States fails, without good  
7 cause, to sign and return a waiver requested by a plaintiff located  
within the United States, the court must impose on the defendant:

8 (A) the expenses later incurred in making service; and

9 (B) the reasonable expenses, including attorney's fees, of any  
10 motion required to collect those service expenses.

11 Fed. R. Civ. P. 4(d)(1), (2)(A), (B).

12 The court finds that defendants J. Canham and Yarborough both failed to return the U.S.  
13 Marshal's request for waiver of service.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. Within fourteen days from the date of this order, defendants J. Canham and  
16 Yarborough shall each pay to the United States Marshal the sum of \$452.00 or file a written  
17 statement showing good cause for failing to waive service.

18 2. The Clerk of Court is directed to serve a copy of this order on the U.S. Marshal.

19  
20 IT IS SO ORDERED.

21 Dated: September 3, 2025

22   
23 JEREMY D. PETERSON  
24 UNITED STATES MAGISTRATE JUDGE  
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